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Law Department.

NOTIFICATION.

No. LD (b) 4-5364/58/Law

Dated, Trivandrum, the 8th August 1958.

The following Ordinance promulgated by the Governor on the 6th August, 1958, is hereby published for general information.

By order of the Governor,
P. NARAYANASWAMI,
Additional Law Secretary.

ORDINANCE No. 4 OF 1958.

THE KERALA CONTROL OF POISON CONTAMINATED ARTICLES (VALIDATION) ORDINANCE, 1958

PROMULGATED BY THE GOVERNOR OF KERALA IN THE NINTH YEAR OF THE REPUBLIC OF INDIA.

An Ordionnce to volidate orders issued and action token to prevent danger to life ond health by the consumption of orticles contaminoted with poisonous subsionces and to provide for certain motters connected therewith.

Preamble.—WHEREAS urgent action had to be taken by the Government to prevent danger to life and health by the consumption of articles contaminated with folidol or other poisonous substances;

AND WHEREAS the Government have issued certain orders and directions to achieve the above object and action has been taken in pursuance of such orders and directions;

AND WHEREAS it is necessary to validate such orders, directions and action;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance :—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Kerala Control of Poison Contaminated Articles (Validation) Ordinance, 1958.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. *Validotion of orders, directions and action for preventing danger to life and health by consumption of orticles contominoted with poisonous subsionces.*—(1) All orders and directions issued by the Government on or after 3rd May 1958—

(a) authorising officers of the Government—

(i) to inspect shops, godowns, hotels, restaurants and other places where articles of food and cattle fodder are stored;

(ii) to take samples of articles of food and cattle fodder forming part of the cargo of S. S. JAI HIND in her 166th Voyage or other articles suspected to be contaminated with folidol or other poisonous substances, and other articles transported along with or stored in contact with such articles; and

(iii) to analyse and test such samples for folidol or other poisonous substances;

(b) freezing and prohibiting the movement, sale and disposal in any other manner of the said articles;

(c) directing the surrender of the said articles to the Government; and

(d) empowering officers of the Government to seize and take over the said articles compulsorily on refusal to surrender in accordance with such directions;

(2) all orders issued by the District Collectors and other officers in pursuance of the orders or directions of the Government referred to in clause (1); and

(3) all actions taken in pursuance of the orders or directions referred to in clauses (1) and (2),

shall be deemed to have been lawfully issued and taken and shall not be liable to be questioned in any court of law on the ground that they were not in accordance with or under the authority of the provisions of any law for the time being in force or on any other ground.

3. *Compensation for articles taken over or surrendered.*—(1) Where, in pursuance of any order or direction referred to in section 2,—

(i) any article of food or cattle fodder was surrendered to the Government, in the case of articles forming part of the cargo of S. S. JAI HIND, on or before 22nd May 1958, and, in the case of articles transported along with or stored in contact with articles which formed part of the cargo of S. S. JAI HIND, on or before 5th June, 1958, and such surrender was accepted by an officer authorised in that behalf or any such article was taken over by the Government compulsorily; and

(ii) such article was subsequently destroyed,

the Government shall pay to the person who surrendered such article or from whom such article was taken over compulsorily, compensation in accordance with the provisions of sub-sections (2), (3) and (4).

(2) The compensation payable under sub-section (1) in respect of any article surrendered or taken over shall be the price of such article calculated at the market rate on the date on which it was surrendered or taken over or the price paid for such article by the person who surrendered it or from whom it was taken over, whichever is less.

(3) The market rate of any article for purposes of sub-section (2) shall be the rate fixed by the District Collector.

(4) Any payment made before the commencement of this Ordinance towards compensation in respect of any article surrendered or taken over shall be taken into account and the balance amount alone shall be deemed to be payable.

(5) The amount of compensation payable shall be determined by the Revenue Divisional Officer or the Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax who verified the stocks under the orders of the District Collector.

(6) Any person aggrieved by the orders of the Revenue Divisional Officer or the Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax

fixing the amount of compensation under sub-section (5) may, within thirty days from the date of the order or from the commencement of this Ordinance, whichever period expires later, appeal to the Board of Revenue and in such appeal it shall be open to such person to question the market rate of the article fixed by the District Collector under sub-section (3). The orders of the Board of Revenue on such appeal shall be final.

(7) Where any article surrendered to or taken over by the Government is found, after test, to be free from contamination with poisonous substances, it may be returned to the person by whom it was surrendered or from whom it was taken over, on repayment by such person of the amount, if any, paid to him towards compensation. If any such article is not so returned, compensation shall be paid in accordance with the provisions of sub-sections (2), (3) and (4) in respect of such article.

(8) If any person refuses to accept any article returned in accordance with the provisions of sub-section (7), it shall be sold in public auction. Any amount already paid to such person towards compensation and the cost incurred in conducting the sale shall be deducted from the proceeds of the sale and the balance amount shall be paid to the person.

4. *Protection of action taken in good faith.*—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order or direction referred to in section 2.

(2) No suit or other proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order or direction referred to in section 2.

B. RAMAKRISHNA RAO,
Governor.

Gazette Extraordinary No. 96 dated 8th August 1958.

Law Department.

NOTIFICATION.

No LD (b) 4-2878/58/Law.

Dated, Trivandrum, 8th August 1958.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on 6th August 1958.

By order of the Governor,
P. NARAYANASWAMI,
Additional Law Secretary.

ACT 37 OF 1958

THE ELECTRICITY DUTY (AMENDMENT) ACT, 1958

An Act to amend the Travancore-Cochin Electricity Duty Act, 1950 and the Madras Electricity Duty Act, 1939.

Preamble.—WHEREAS it is expedient to amend the Travancore-Cochin Electricity Duty Act, 1950, and the Madras Electricity Duty Act, 1939, for the purposes hereinafter appearing;

BE it enacted in the Ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Electricity Duty (Amendment) Act, 1958.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Amendments to the Travancore-Cochin Electricity Duty Act, 1950.*—In the Travancore-Cochin Electricity Duty Act, 1950 (Act IV of 1950),—

(i) in the preamble, for the words "sales of electrical energy effected by licensees" the words "sales of electrical energy effected by licensees and consumption of electrical energy by bulk consumers" shall be substituted;

(ii) in section 2, after clause (a), the following clause shall be inserted, namely:—

"(aa) 'bulk consumer' means a consumer other than a licensee taking supply at 11 Kilo Volt or more;";

(iii) after section 3, the following new section shall be inserted, namely:—

"3A. *Levy of duty on bulk consumers.*—Every bulk consumer belonging to any class specified in column (1) of the Schedule shall pay every month to the Government in the prescribed manner a duty calculated at the rates specified against that class in column (2) thereof:

Provided that in cases where the supply of energy to a bulk consumer is regulated by an agreement entered into between the Government or the Kerala Electricity Board and the bulk consumer it shall be competent for the Government either to reduce the rate at which duty is leviable on such consumer or to exempt such consumer from payment of duty under this section."

(iv) in section 4, for the words "Every licensee" the words "Every licensee and every bulk consumer" shall be substituted;

(v) in subsection (1) of section 5, for the word "licensees" the words "licensees and bulk consumers" shall be substituted;

(vi) in section 6, for the words "the licensee" the words "the licensee or the bulk consumer" shall be substituted;

(vii) in section 8, for the word "licensee" the words "licensee or bulk consumer" shall be substituted;

(viii) in subsection (2) of section 9, in clause (a), the following shall be added at the end, namely:—

"and the time and the manner of payment of duty under section 3A;"; and

(ix) after section 10, the following Schedule shall be added, namely:—

"SCHEDULE

(1) *Class of consumer*	(2) *Rates of duty per unit*
Consumers taking supply at 11 K. V. and 22 K.V. but excluding licensees.	25 Naye Paise
Consumers taking supply at 66 K. V. and 110 K.V. but excluding licensees.	2 Naye Paise"

3. *Amendments to the Madras Electricity Duty Act, 1939.*—In the Madras Electricity Duty Act, 1939 (Act V of 1939), in its application to the Malabar District referred to in sub section (2) of section 5 of the States Reorganisation Act, 1956,—

(i) in the long title and preamble, for the words "by licensees" the words "by licensees and bulk consumers" shall be substituted;

(ii) in section 2, after clause (a), the following clause shall be inserted, namely:—

"(aa) 'bulk consumer' means a consumer other than a licensee taking supply at 11 Kilo Volts or more;";

(iii) in subsection (1) of section 3, for the words "six pies" the words "six naye paise" shall be substituted;

(iv) after section 3, the following new section shall be added namely:—

"3 A. *Levy of duty on bulk consumers.*—Every bulk consumer belonging to any class specified in column (1) of the Schedule shall pay every month to the Government in the prescribed manner a duty calculated at the rates specified against that class in column (2) thereof:

Provided that in cases where the supply of energy to a bulk consumer is regulated by an agreement entered into between the Government or the Kerala Electricity Board and the bulk consumer, it shall be competent for the Government either to reduce the rate at which duty is leviable on such consumer or to exempt such consumer from payment of duty under this section.";

(v) in section 4, for the words "Every licensee" the words "Every licensee and every bulk consumer" shall be substituted;

(vi) in sub section (1) of section 5, for the word "licensees" the words "licensees and bulk consumers" shall be substituted;

(vii) in section 6, for the words "the licensee" the words "the licensee or the bulk consumer" shall be substituted;

(viii) in section 8, for the word "licensee" the words "licensee or bulk consumer" shall be substituted;

(ix) in subsection (2) of section 9, in clause (a), the following shall be added at the end, namely:—

" or section 3A; "; and

(x) after section 10, the following Schedule shall be added namely:—

"SCHEDULE

(1) *Class of consumer*	(2) *Rates of duty per unit*
Consumers taking supply at 11 K. V. and 22 K. V. but excluding licensees.	25 Naye Paise
Consumers taking supply at 66 K. V. and 110 K. V. but excluding licensees.	2 Naye Paise"

Gazette Extraordinary No. 96 dated 8th August 1958.

Law Department.

NOTIFICATION.

LD (b) 2-7097/57/Law.

Dated, Trivandrum, 8th August 1958.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on 6th August 1958.

By order of the Governor,
P. NARAYANASWAMI,
Additional Law Secretary.

ACT 38 OF 1958

THE KERALA LAND RELINQUISHMENT ACT, 1958

An Act to make provision for the relinquishment of lands in the State of Kerala by registered holders in favour of Government.

Preamble.—WHEREAS it is necessary to make provision for the relinquishment of lands in the State of Kerala by registered holders in favour of Government;

BE it enacted in the Ninth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Land Relinquishment Act, 1958.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "registered holder" in relation to any land means a person whose name is registered in the revenue records as the proprietor of the land;

(b) "relinquishment" means unconditional surrender of all the rights of a registered holder over the land;

(c) "prescribed" means prescribed by rules made under this Act.

3. *Relinquishment of land.*—A registered holder may relinquish in favour of the Government the whole or any portion of any land entered in his name in the revenue records, provided that such land or portion of land is in his possession and free of encumbrances.

4. *Procedure to be followed when lands are relinquished.*—(1) Any registered holder who intends to relinquish any land may submit an application in the prescribed form to the Collector of the district in which the land is situate.

(2) On receipt of the application mentioned in sub-section (1), the Collector shall, if satisfied, after such enquiry as he thinks necessary, that the registered holder is competent to relinquish and has valid title in the land, issue a notice in the prescribed form to all such persons as he may consider interested in the land, calling upon them, before a date specified in the notice, to show cause why the relinquishment may not be accepted.

(3) The Collector shall also affix a copy of the notice referred to in sub-section (2) on the notice board of his office and shall cause it to be published in such manner as may be prescribed in the village where the land is situate.

(4) Any person interested in the land may, before the date specified in the notice, file an objection before the Collector showing cause why the relinquishment should not be accepted.

(5) When the period for filing objections is over, all objections received shall be enquired into by the Collector and he may pass orders either accepting or rejecting the application for relinquishment.

(6) The Collector may at any stage of the proceedings reject the application of the registered holder on any of the following grounds, namely :—

- (i) that the registered holder is not competent to relinquish the land ;
- (ii) that the title of the registered holder is defective ;
- (iii) that there are arrears of land revenue due on the land ;
- (iv) that the land is not accessible except through land not belonging to the Government;
- (v) such other grounds as may be prescribed.

(7) Any person aggrieved by the decision of the Collector may appeal within such time as may be prescribed to the Board of Revenue and the decision of the Board of Revenue on such appeal shall be final.

(8) When orders accepting the relinquishment are passed by the Collector or, in cases where there has been an appeal from the orders of the Collector—

- (i) rejecting the application, such appeal has been allowed by the Board of Revenue;

OR

- (ii) accepting the application, such appeal has been rejected by the Board of Revenue,

all title and interest of the registered holder in the land shall vest in the Government free of all encumbrances and the land shall be at the disposal of the Government.

5. *Relinquishment of land held jointly.*—No land registered in the revenue records in the name of a person jointly with the name or names of one or more persons, shall be relinquished except with the consent of all the persons in whose names the land is registered in the revenue records.

6. *Power to make rules.*—The Government may make rules for the purpose of carrying out the provisions of this Act.